

REMARKS

Claims 1-3 and 5-18 remain pending in the present application. Claims 4 and 16 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

REJECTION UNDER 35 U.S.C. § 102 / § 103

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Adler, et al. (DE 42 35 405, the Derwent Abstract is cited for hereinafter). Claims 4-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fottinger, et al (U.S. Pub. No. 2005/0075241) in view of Adler, et al. (DE 42 35 405, the Derwent Abstract is cited for hereinafter). Applicants respectfully traverse this rejection. Claim 1 has not been amended in response to this Office Action. Claim 4 has been amended to independent form to include the limitations of Claim 1. Claim 16 has been amended to independent form to include the limitations of Claim 1.

Catalysis belongs to a field with results being very difficult to be predicted. Catalysts prepared by different processes, even those prepared from the same raw materials by similar processes but in different reaction orders, might exhibit quite different properties, even though they might have the same or similar composition. This is particularly true for complicated polyolefin catalysts, of which composition and structure, including distribution of active sites in the catalyst, might greatly affect their performance. For example, it is known in the art that there are a number of Ziegler type catalysts for olefin polymerization having very similar composition, but these catalysts

might exhibit different properties, such as activity, particle morphology, hydrogen response, copolymerization performance, etc. The reason is believed that the different catalysts prepared by different processes, even from the same raw materials, have different structures. Therefore, no reasons make experts thinking that different preparation processes and/or different raw materials will result in identical catalysts, i.e. catalysts that are identical to each other in composition, structure and performance.

Thus, because of the significant difference between the process for preparing the solid catalyst according to the invention and that of Adler, et al., those skilled in the art will reasonably expect that the catalyst as claimed in the instant Claims 1-3 is different from that of Adler, et al. The Applicants respectfully submit therefore that the amended Claims 1-3 are novel and non-obvious over Adler, et al.

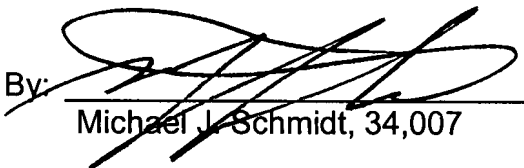
As shown in the attached Affidavit under 1.132 which includes an Experiment Report, compared with the catalysts of Comparative Examples 1 and 2, the catalyst of Example 1 according to the invention exhibits higher activity and gives a polyethylene having higher bulk density, that is to say, replacing the magnesium compound as used in the instant invention for those as used in Fottinger, et al. in the preparation of the solid catalyst results in a catalyst having better performance. Those skilled in the art cannot reasonably expect such beneficial effects based on Fottinger, et al. and Adler, et al., either alone or in combination. Thus the Applicants respectfully submit that the pending Claims 1-3 and 5-18, are non-obvious over Fottinger, et al. and Adler, et al.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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By: 
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

MJS/pmg